

Second Edition

# POLICE UNION POWER, POLITICS, AND CONFRONTATION IN THE 21<sup>ST</sup> CENTURY

New Challenges, New Issues

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Increasing the value of the union's voice as well as its coverage, despite reform, puts the union in the best possible position to protect its members' interests in the future – whether by engagement, or, in a worst-case scenario, by confrontation.

## Chapter 46

### EXCEPTION TO THE RULE: THE SPREAD OF THE POLICE UNION MOVEMENT ACROSS THE WORLD

MONIQUE MARKS AND JENNY FLEMING

It is widely recognized that the trade union movement is in decline internationally. Membership levels are declining and questions are being raised about the capacity for the trade union movement to use its once considerable influence to assist in shaping economic and social policy. A number of reasons have been offered for this decline. They include anti-union legislation and policy; a deregulated labor market; the decline of the manufacturing sector in many countries where the union movement was strongest; and the casualization of the workforce generally and the trade union movement itself that in many cases has failed to address these new circumstances either through their business plans or general recruitment strategies. Despite these circumstances, police unions (where they exist) have maintained very high membership rates and there are clear indications that the police trade union movement is likely to expand.

In this chapter, we talk about the growth and the increasing cohesiveness of the global police union movement. We begin by making some observations about why the police union movement remains strong in a world where trade unions are struggling to survive. We then turn to the emergence of an international police union network constituted mainly by police union bodies from western democratic countries. Lastly, we look at what we believe are important challenges confronting the police union movement, challenges that must be met if

they are to maintain their strength and extend their influence and networks.

### Why is the Police Union Movement Different From Other Unions?

In many parts of the world police are actively campaigning for their rights as citizens and as workers. In places like the United States and Canada, police unions have produced Bills of Rights for police officers. In countries that are in transition or are defined as less developed, such as Argentina, police view themselves as both workers and as professionals. They know that they have little control over their work process and that they sell their labor power to the state for what in these countries is often a very poor wage.

Police officers in the less developed parts of the world or in countries that have recently democratized are now demanding labor rights. This is particularly evident in parts of Southern Africa, but also in Eastern European countries. In these parts of the world, police unionism and collective bargaining are now on the agenda of police organizations for the first time. Where possible, these developments have been encouraged and supported by "strong" police unions. These unions have played an active role in assisting "weaker" police employee representative organizations to formalize collective labor institutions and processes.

Public police have traditionally been drawn from working class backgrounds, many from families with strong traditions of unions in the mine and railway industries. This has changed over time for many reasons. In the "developed" world, many of those traditional and large scale industries have gone into decline or all but disappeared and with these changes has gone the workers' identity as a part of a readily identifiable "industry grouping." This has resulted in the loss of the "common bond" and has constrained unions' ability to build and organize from that fertile pool. Additionally, police recruits in established democracies are now expected to pursue tertiary education in some form, while in developing countries this is not the case.

However, in both cases the active construction by police unions of the public police as a distinct and separate group of workers has led or maintained this greater propensity for the police to organize collectively. In established democracies such as Canada and the United

States of America, police now talk about their rights to be treated as equal citizens with access to the same labor rights as other employees. It is only very recently, for example, that the Royal Canadian Mounted Police have been awarded the right to collective bargaining. In developing countries working class identities add an additional impetus to the call for labor rights. What then is different about police employees and why do their unions manage to sustain their membership and their influence?

Police employees are unique because they remain a captured audience for the union movement. Their work remains highly labor intensive and despite the incursion of neo-liberal policy frameworks and the rising momentum of private security organizations, there is ongoing pressure from the public and from the police to resist the privatization of policing. While there is a rapid growth of private security across the world (particularly in places like South Africa, Australia and the United States), there has also been a steady increase in the number of police that are employed.

Second, police unions have become a prominent feature of the modern police agency. They are important "insider" groups within the police and are influential in determining a range of organizational policies and planning processes. They also have a strong voice (often a conservative one) in the determination of criminal justice policy and administration. Police unions are remarkably successful in achieving workplace benefits for their members and play a significant role in protecting the legal interests of their members. Police officers know that to secure and increase these benefits, police union membership and support is important. Therefore, it is not surprising that police unions in Australia, New Zealand, United Kingdom and even South Africa enjoy membership levels of almost 100 percent.

A third reason for the continuing relevance of police unionism, particularly in countries where police have not traditionally been organized, is because of the considerable influence of the formal and informal police union network. These networks have already, and will most likely continue to, provide emerging police unions with technical support, advice, and in some cases financial resources. The member organizations of these networks have their own individual histories, organizational structures, and ways of operating. The diversity of experience and knowledge that leaders of these unions bring together and to new groupings is a powerful resource for police unions across the

world to draw upon in developing more effective labor-management processes and institutions in their own jurisdictions.

### **Police Union Networks: The Case of the ICPRA**

In recent years, police unions from across the world have come together, forming a strong international network with the real potential – from the bottom up – to influence how police officers experience their working lives and to shape what policing as an enterprise might look like in the future. We will focus here on what we see as the most significant of these police union networks, the International Council of Police Representative Associations (ICPRA).

This network was established by the Canadian Police Association in 1996. Initially the network called itself the International Law Enforcement Council (ILEC). ILEC's network comprised of police unions from Western Europe, Australasia and North America. Members would meet biannually to discuss and debate a range of topical issues. The police union movement is very diverse and certainly there are significant differences between the various organizations. However, despite the differences, the unions/associations in each country confront very similar issues. These issues include concerns about recruitment and/or retention, the growing influence of second tier policing, the practice of offshore police deployment, and the future of policing generally and what this might mean for the police workplace of the future. Those in attendance were usually executive members of national trade police unions, a real coming together of the most seasoned and well-resourced police unionists in the world.

In 2004, the network established a general secretariat. Two years later, network members renamed the organization to the International Council of Police Representative Associations (ICPRA). ICPRA members include some of the most established and powerful police unions in the world including the Police Federation of Australia, the New Zealand Police Association, the Police Federation of England and Wales, the National Association of Police Organizations, Fraternal Order of Police, Scottish Police Federation, Danish Police Union, British Transport Police Federation, Police Federation of Northern Ireland, Garda Representative Association and the Canadian Police Association.

ICPRA's overarching goal is for police unions from across the world to share information, to support fledgling police unions in all parts of the world, and to discuss issues of mutual concern to police unions from a range of countries. By doing this, the ICPRA hopes to provide the international police union movement with a collective voice for influencing policing futures. The ICPRA's assistance vis-à-vis Swaziland is a case in point.

The ICPRA has offered advice and support to the nascent police union in Swaziland. The President of ICPRA sent a letter to the Minister of police in Swaziland and to the Swaziland Police Chief explaining the benefits to police organizations and to police members that derive from awarding police officers basic labor rights. The letter received a significant amount of public attention and news of the letter was reported in the national newspaper, the *Swazi Times*. Members of ICPRA, namely, the Scottish Police Federation, the New Zealand Police Association, and the Police Federation of Australia have provided financial aid to the new union. This financial aid has been used to furnish new offices and to help pay for their legal defense. The Dutch Police Union, which is not a member of the ICPRA, is assisting the Swaziland Police Union by contributing to their office rental payments and through technical support.

The ICPRA and EUROCCP (the industry federation for the police in Europe), through their member organizations, now provide emerging police unions with technical support, advice, and even financial resources. The member organizations with their own individual histories, organizational structures and ways of operating, provide emergent unions with a range of different models for organizing and bargaining. Both organizations are committed to advancing police officers' labor rights. At the time of this case study, EUROCCP is focusing its efforts to improve the collective and individual rights of Portuguese police.

### **Looking Beyond the Glory**

What we have presented is the "bright side" of police unionism globally. But there are also "dark sides" which include both real obstacles that exist for police achieving basic labor rights as well as some real weaknesses within the police union movement at present. We will look briefly at the existing obstacles and then turn our focus to the problems and future challenges.

**1. Obstacles to police unionism and police labor rights attainment.** In many developing countries and new democracies, police unionism remains threatening in the eyes of police authorities. Police managers and employers worry that if police have the right to unionize and to collectively bargain, they could choose to engage in strike action. Yet the reality is that police unions across the world have been reluctant to strike (although many of these countries had a wave of strikes in the early part of the twentieth century and are now prohibited from doing so by legislation), and most police unions have not argued for the right to withdraw their labor. Police unionists from the United States, Australia, and the United Kingdom argue that the right to withdraw police labor will have negative consequences because the communities that the police serve are most harmed by strike activity; and those outside the law are the ones who are likely to benefit from such action.

In the absence of the right to strike, police unions across the world have called for the institutionalization of dispute resolution and arbitration processes. In most countries legislation constrains the boundaries of police industrial action. Grievance procedures, tribunals and conciliation and arbitration avenues are all designed to prevent "aggressive industrial bargainers." Police unions have been actively involved in shaping and promoting these alternative institutions and processes with positive results in terms of labor peace and social dialogue. They have also developed and implemented a range of industrial strategies that circumvent the strike action and antagonistic labor/management interactions. We could also add that in democratic countries, police unions invariably have the support of the community, which frequently gives them a lot more scope in bargaining power and industrial activity.

Police managers in countries such as some of the eastern European countries, some jurisdictions in the United States, and most of Africa are cautious of extending collective bargaining rights to their members because they believe, (as most police managers do) that rank-and-file engagement in collective bargaining and co-determining processes will undermine management prerogative. The unions lay emphasis on workplace issues – pay and service conditions – and also training, diversity management, disciplinary systems, and professionalism issues which impact directly on how effectively police can do the job that is expected of them. The resource and disciplinary ramifications of these agendas can be confronting to managers.

Management and employer anxieties mean that police in places like Swaziland have a long and difficult road ahead of them. They will have to "prove" that the benefits of extending labor rights to the police outweigh the perceived costs. The interventions from police unionists in places where police labor rights are firmly entrenched will probably be very helpful to fledgling police unions. The recent court decision to extend collective bargaining rights to the Royal Canadian Mounted Police has crystallized the arguments for police labor rights and may well prove to be an important precedent.

**2. Deficits within the police union movement.** The fact that the police union movement is strong in many western democracies does not mean that police unionists from this part of the world can rest on their laurels. The greatest weakness of the police unions is that they have tended to become narrowly focused on workplace improvement and status enhancement issues. This has meant that some unions have failed to address broader changes that are taking place in the policing landscape and pursuing conventional "tried and tested" approaches to issues that may require new ways of thinking. For example, the unions have not reconsidered their dihard calls for increased numbers and higher pay in the light of new governance arrangements and fiscal constraints. Police union responses are, for this reason, sometimes viewed as predictable, conservative, reactive, and unimaginative.

Police unions also have a tendency, like other trade unions, to be highly bureaucratized. Rank-and-file union members within these oligarchic organizations are controlled by a tiny minority of police union leaders. The result is that the democratic aspirations of trade union structures are potentially problematic. While police unions have high membership rates, police union leaders (particularly those who do not want to return to active police service) have become "entrenched" within these organizations, some being reelected for more than three terms of office. This situation has meant that they effectively do what they think their membership would want them to do to ensure that they remain in office. This type of thinking has often been at the expense of actively engaging their membership in new ways of thinking about both old and new problems.

So, for example, perhaps arguing for more public police officers is not the best way to solve localized crime police problems. Perhaps encouraging non-police groupings, like community constables or other civil society groupings, to find localized solutions and engage in

(non-core) policing activities may be more effective than getting more uniformed officers on the streets. Perhaps police unions should spend more of their energies in participating in networks involving both state and non-state actors whose purpose is to make communities safer. Expanding the unions' knowledge base in the context of policing and ways of "doing business" would be a positive step forward for the police union movement.

Many police organizations in the U.S., U.K. and increasingly in Australia are beginning to draw on research in their own management deliberations, and are beginning to work with universities and private consultants to explore new ways of policing and focusing on evidence-based research that might inform their policy and practice. Given this, it would be pertinent for police unions to contemplate focused research agendas of their own; in the first instance, perhaps to explore internally just exactly what the membership feels about some of the "big issues" but perhaps more importantly to engage more fully in contemporary debates about where policing is going.

Police unions and associations alike have carved their place at the decision-making table in most western democracies. They are in a position to contribute constructively to these debates – doing their own research (which some of them are actually doing) will enhance that position. We believe that if unions don't do this in the long term, they will limit their capacity to engage in, and shape the ever-changing field of policing. As a result, the voices of police employees in confronting the professional challenges ahead will be less distinctive than would be the case if the police unions expanded their organizational schemes, embraced the value of research, and incorporated its findings into its debates, and if necessary its confrontations, with management and governments.

Networks like ICPRA and EUROCCOP have demonstrated a real commitment to assisting fellow police officers in countries that lack a liberalized police labor relations framework to secure labor rights and build representative employee organizations. But their efforts are limited by the looseness of their own network arrangements. The ICPRA, for example, does not have a mechanism for coordinating and harnessing the resources of their member organizations. They do not have a "research" fund or agenda. There is no pooling of funds that would allow one of the office bearers to travel to Swaziland to directly assist the new union with capacity building or with developing a

legal defense case. The network is heavily reliant on the goodwill and resource capacity of its individual member organizations in reaching out to police officers who are trying to organize collectively in countries that are outside the traditional fold of those who founded these networks. It might be time for these police union networks to consider formalizing and of bringing "weaker actors" on-board.

### Conclusion

The police union movement is unique within the global trade union movement. Police unions retain high membership levels, and the police union network is growing in strength despite a general decline in trade unionism internationally in most other sectors. Regional and international networks of police unions are growing in strength and influence. Even in countries characterized by extremely authoritarian governments, police officers are now using the language of rights and citizenship and are determined to have their collective voices heard. While in Southern Africa at present the only country that awards police the right to unionize and to bargain collectively is South Africa, there are voices elsewhere challenging current police regulations and labor legislation. These efforts are likely to be supported and even advanced by organizations like Police and Prisons Civil Rights Union in South Africa and international networks like the ICPRA.

Resistance to the extension of labor rights to the police is likely to continue. But what needs to be borne in mind is that, despite government apprehensions and senior police management attitudes towards police unions, where they do exist and are strong, the sky has not fallen and chaos has not ensued. If international police union experience is anything to go by, management and employer fears about the strike imperative of police unions and the erosion of managerial prerogative seems unwarranted.

Through collective representation and access to collective bargaining, police unions have added considerably to the fabric of police organizations. Through collective representation, police officers have been able to engage significantly in co-determination processes and participate in decision-making forums; often contributing significantly to improvements within the organization and the bolstering of rank-and-file morale.

The presence of police unions may in fact facilitate smoother processes and decision-making within police organizations, given shared

professionalism agendas and a climate of social dialogue. Police are more likely to be receptive to management initiatives if they have reason to believe that the department will not treat them in an arbitrary fashion. Police managers and employers across the globe would be well-advised to review their oppositional stance and to consider them as mediums for positive change and as partners in building the more responsive and effective policing agencies.

However, arguably the ability of the police unions to retain their strength and influence is dependent on their pushing the boundaries of their narrow industrial focus. What is required is a shift away from reactive unionism to a proactive unionism that has as its starting point a concern with linking up improved police working conditions to public service delivery and community safety. Police union networks need to build their capacity to directly assist police officers with attaining labor rights in countries that are democratizing – a strong research base will facilitate this. This is where the police union industry is most likely to grow in years to come. It is also in those parts of the world discussed in this chapter that debates (and interventions) about police rights and improved policing are most urgent. Police unionists have a wealth of knowledge about the inner workings of police organizations, the possibilities of change, and the importance of networking arrangements which needs to be shared with policing scholars and police managers.

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## Chapter 47 PROFESSIONAL REGISTRATION FOR AUSTRALIA'S POLICE

MARK BURGESS

### Introduction

For nearly two decades police associations and unions across Australia, through the Police Federation of Australia and New Zealand and more lately its successor the Police Federation of Australia (PFA), have supported the following strategy for the professional development of policing:

1. The development of National Common Core Competencies;
2. The development of a National Core Training Curriculum based on national competencies;
3. The alignment of all police training courses and qualifications, allowing for police inter-jurisdictional recognition;
4. The recognition by education institutions of common police qualifications allowing for accreditation and transfer across Australasia;
5. The regulation and validation of police training by the police industry itself through the Australasian Police Professional Standards Council (APPSO);
6. An Australian lateral and cross-jurisdiction entry system;
7. A Professional Police Registration Board;
8. A Professional Police "Certificate to Practice."

The PFA has argued that police enlistment standards should be based on Australasian standards, determined from time to time by the